

REMARKS

The acknowledgment of the Applicant's election of Group II, claims 44-46 has been noted.

Claim 46 was objected to on the ground that it used the term "solventbased" in stead of "solvent based". This informality has been corrected by this Amendment.

Claim 46 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested in view of this Amendment.

The basis of the objection was that trademarks were used in claim 46. In response, claim 46 has been amended to remove the trademarks and for this reason, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were provisionally rejected for double patenting over claims 1, 2, 4, 11, 15, 16, 19 and 24 of Serial No. 10/482,538 in view of Rosenkrantz. No claims have been allowed in Serial No. 10/482,538 and for this reason, the present rejection is premature and should be withdrawn pending the indication of allowable subject matter in Serial No. 10/482,538.

Claims 44-45 were rejected under 35 U.S.C. §102(b) as being anticipated by Sokol.

Reconsideration is requested.

Amended claims 44-45 point out a method for the decoration of a porous ceramic flooring or lining material. Support the recitation of a "porous ceramic flooring or lining material" is found in the original specification at page 3, lines 7-8. In addition, claim 44 has been amended to add step (C) in order to point out that the hardened surface layer is removed as disclosed in the original specification at page 20, lines 9-13. The claimed method produces a decorated flooring or lining or material which cannot be easily attacked by external agents and will allow for the easy

and rapid removal of stains from the surface. The hardenable layer penetrates the surface pores and when removed according to step (C) will leave only the colorant composition sealed in the pores. No coating layer is left after the process as the coloring composition is removed from the surface in step (C) of amended claim 1. Attached hereto are two photographs taken through a scanning electron microscope which show a flooring material wherein in Fig. 1, the untreated flooring is shown and in Fig. 2, the treated flooring material with a filled pore is shown. This shows the results of the claimed method where the coloring composition is removed from the surface but not the pore.

Sokol discloses a coating composition for coating exterior wooden structure and porous exterior structures made from wood, concrete, stone and ceramics. The thrust of the Sokol method is to seal and coat the surface and there is no mention of the removal of all or a portion of the Sokol coating. Step (C) of amended claim 44 is not even remotely suggested by Sokol. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-45 were rejected under 35 U.S.C. §102(b) as being anticipated by Kuno and claim 46 was rejected under 35 U.S.C. §103(b) as being unpatentable over Kuno.

Reconsideration is requested.

Kuno discloses a method which includes the steps of impregnating a ceramic sintered material having continuous or connected pores with a liquid dye containing a resin which is hardened. There is no disclosure of the concept of coloring flooring or a lining material. Nothing in Kuno suggests the removal of the hardened resin layer from the surface. The present invention exploits the natural surface defects of a ceramic flooring or lining material by coloring the naturally occurring pores with a hardened colored resin while providing the surface without the colored resin because of removal step (C). For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §102(b) as being anticipated by Desobry.

Reconsideration is requested.

The Desobry patent describes the coating of all types of substrates with a photocurable composition where the finished product has the coating composition on the surface. There is no mention or suggestion of the removal of the coating composition from the surface as set forth in amended claim 1, step (C). For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-45 were rejected under 35 U.S.C. §102(b) as being anticipated by Rosenkrantz et al. (Rosenkrantz).

Reconsideration is requested.

The Rosenkrantz patent is only concerned with the use of a hardenable composition for coating wood, paper, plastic, metal or ceramic materials. There is no disclosure or suggestion that the coating composition is removed from the surface as set forth in step (C) of amended claim 44 from which all of the claims depend.

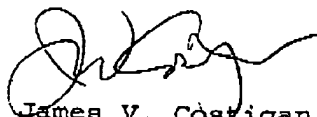
Claims 44-46 were rejected under 35 U.S.C. §103(b) as being unpatentable over Kuno in view of Curtiss et al. (Curtiss).

Reconsideration is requested.

Curtiss is concerned with the dip coating of a layer of a resist material on a surface as a part of a photolithographic process. There is no mention of the coating of a porous surface with the subsequent removal of the coating material without removal of the material from the pores. Nothing in the Kuno disclosure suggested the removal step of amended claim 44 and thus neither Curtiss nor Kuno make obvious the method as defined by the amended claims. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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